IN THE HIGH COURT OF UTTARAKHABND AT NAINITAL

Writ Petition No. 91 of 2007 (S/B)

Shri Pradeep Kumar s/o Shri Narendra Kumar,
32, Rajpur Road, Dehradun. ..... Petitioner

Versus

1. Public Service Tribunal, Uttarakhand, Dehradun.
2. State of Uttaranchal through its Secretary
   (Drinking Water Pai Jal Department),
   Dehradun.
3. Chief General Manager,
   Uttaranchal Jal Sansthan, Nehru Colony,
   Jal Bhawan, Dehradun.
4. Shri Anil Kumar s/o late Shri Shobha Ram Sharma
   at present posted as Junior Engineer, Garhwal Division,
   Jal Sansthan (now known as Uttarakhand Jal Sansthan),
   Water Works, Dehradun. ..... Respondents
5. Shri R.K. Uniyal,
6. Shri L.K. Adlakha,
7. Shri C.M.Kukreti,
8. Shri Govind Ballabh Dimri,
9. Shri Bharti Singh Chauhan,
10. Shri Sudhir Chand Joshi,
11. Shri Rajiv Lochan Singh Bist,
12. Shri Ghanshayam Aggarwal,
13. Shir L.K. Upadhyay,
14. Shri P.C. Pandey,
15. Shri K.C.Pandey,
16. Shir P.C.Joshi,
17. Shri Prem Ballabh Bhatt,
18. Shri Rakesh Chandra Khanduri,
19. Shri Rajendra Prasad Naudiyal,
20. Shri Ranjeet Singh Negi,
21. Shri i Shailendra Singh Mewar,
22. Shri Laxmi Chand Tyagi,
23. Shri Pyar Singh Panwar,
24. Shri Latit Mohan Juyal,
25. Shri J.P.Joshi,
26. Shri Pwan Kumar Gupta
    All 5 to 26 C/o Chief General Manager,
    Uttaranchal Jal Sansthan, Nehru Colony,
    Jal Bhawan, Dehradun ..... Proforma- respondents

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Sri Kanwaljeet Singh, Advocate for the petitioner.
Sri J.P. Joshi, Chief Standing Counsel for respondent no.2.
Sri Rakesh Thapaliyal, Advocate for respondent no. 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S.Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Sri Kanwaljeet Singh, Advocate for the petitioner.

Sri J.P. Joshi, Chief Standing Counsel for respondent no.2.

Sri Rakesh Thapaliyal, Advocate for respondent no. 3.

They are heard on admission.

2. Petitioner Pradeep Kumar has filed this writ petition for the following reliefs:

" a) To issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 19.05.2004 (placed as Annexure – 6 to the writ petition) passed by the Public Service Tribunal, Uttaranchal at Dehradun in Claim Petition No. 256 of 2002 - Shri Anil Kumar Sharma Vs. State and others.

b) To issue a writ, order or direction in the nature of mandamus commanding the respondent no 3. to maintain the seniority list dates 21.01.1996.

c) To issue any other suitable writ, order or direction this Hon'ble High Court may deems fit and proper in the facts and circumstances of the case.

d) To award cost of this writ petition to the petitioner against the contesting respondents."

3. The petitioner, in substance, is seeking quashing of the impugned judgment dated 19.05.2004 passed by the Public Services Tribunal, Uttaranchal at Dehradun in Claim Petition No. 256 of 2002.

4. In the writ petition filed on 18.05.2007, quashing is sought of the judgment dated 19.05.2004. Thus, it is apparent that there is delay of almost three years in filling the writ petition.

5. The learned counsel for the petitioner, when asked to point out the relevant paragraph wherein the petitioner has given sufficient

cause for the delay of three years in filing the writ petition, referred to para 5 of the writ petition, which reads as under:

> "5. That the law laid down by the Hon'ble Supreme Court in Uma Devi's case clearly and exclusively has held that the respondent no. 4's appointment during contract basis cannot be treated as regularised and the period of regularisation shall be reckoned from the day he was regularised and not period anterior to the same when he was working on contract basis. The Hon'ble Tribunal's finding and observation as well as reliance placed on various judgment will all stand denuded in view of the principle of law laid down in Uma Devi's case."

6. As the petitioner has not shown any cause, much less sufficient cause, for the inordinate delay of three years in filing the writ petition against the impugned judgment dated 19.05.2004, we are left with no other option but to dismiss the writ petition on the ground of delay.

7. The writ petition, therefore, is dismissed summarily.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**

21.05.2007 21.05.2007

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